

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR190
)	
v.)	
)	
ROMMEL SMITH,)	ORDER
)	
Defendant.)	
_____)	

On October 19, 2006, the defendant appeared with counsel for a re-sentencing upon remand from the Eighth Circuit Court of Appeals in United States of America v. Rommel Smith, Case Numbers 05-2124 and 05-2126 (Filing No. 108). Defendant was present and represented by James J. Regan. Plaintiff was represented by Maria R. Moran, Assistant United States Attorney. The Court heard argument with regard to the obstruction of justice enhancement and the downward departure request by the defendant presented in his Sentencing Memorandum (Filing No. 116). After considering and evaluating the comments of the parties, and after evaluating the evidence adduced at trial, the Court finds the obstruction of justice enhancement as set forth in United States Guidelines, Section 3C1.1, should apply.

The Court further considered defendant's Sentencing Memorandum and the arguments presented therein. The Court found the appropriate sentence should be 240 months and proceeded to sentencing.

IT IS ORDERED:

1. Defendant is sentenced to the custody of the Bureau of Prisons for a term of 240 months.

2. Defendant is to be given credit for time previously served under the previous Judgment and Committal Order from sentencing date of April 07, 2005 (Filing No. 83) which was signed and filed on April 18, 2005 (Filing No. 85).

3. All other terms and conditions of the Judgment and Committal Order dated April 18, 2005, remain in full force and effect.

DATED this 19th day of October, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court